

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

DEEANN THORNE, FLOR ALONZO,
ROBIN CLEMENTS, and DEMETRIUS
LOVETT *on behalf of themselves and all
others similarly situated,*

Plaintiffs,

v.

SQUARE, INC. and SUTTON BANK,

Defendants.

No. 1:20-cv-05119-NGG

**DECLARATION OF ERIN J. COX
IN SUPPORT OF DEFENDANTS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT
OF THEIR MOTION TO COMPEL ARBITRATION**

ERIN J. COX, an attorney admitted to practice law in the State of California and admitted *pro hac vice* to the United States District Court for the Eastern District of New York, hereby declares the following under the penalties of perjury:

1. I am an attorney at Munger, Tolles & Olson LLP, counsel for Defendant Square Inc., and respectfully submit this Declaration in support of Defendants' Request for Judicial Notice in Support of Their Motion to Compel Arbitration.

2. Specifically, I submit this Declaration to provide the Court with true and correct copies of the documents listed below.

Exhibit A: A true and correct copy of the *Order Granting Petition to Compel Arbitration, Denying Motion for Partial Summary Judgment*, Docket No. 65 in *Britt v. ContextLogic, Inc.*, Case No. 3:20-cv-04333-WHA (N.D. Cal. Apr. 9, 2021).

Exhibit B: A true and correct copy of the Federal Reporter decision, *Meyer v. Uber Technologies, Inc.*, 868 F.3d 66 (2d Cir. 2017).

Exhibit C: A true and correct copy of the Federal Reporter decision, *Nicosia v. Amazon.com, Inc.*, 384 F. Supp. 3d 254 (E.D.N.Y. 2019).

Exhibit D: A true and correct copy of a printout of “Additional Cash Terms of Service” dated August 19, 2017, as available on Square Inc.’s website at <https://squareup.com/legal/cash-ua>, archived on October 23, 2017 at Internet Archive: Wayback Machine, *accessible at* <https://web.archive.org/web/20171023175728/https://squareup.com/legal/cash-ua>.

Exhibit E: A true and correct copy of a printout of “Additional Cash Terms of Service” dated April 21, 2020, as available on Square Inc.’s website at <https://cash.app/legal/us/en-us/tos>, archived on November 23, 2020 at Archive Today, *accessible at* <http://archive.today/2020.11.23-181654/https://cash.app/legal/us/en-us/tos>.

Exhibit F: A true and correct copy of a printout of “General Terms of Service” dated January 1, 2020, as available on Square Inc.’s website at <https://squareup.com/us/en/legal/general/ua>, archived on April 20, 2020 at Internet Archive: Wayback Machine, *accessible at* <https://web.archive.org/web/20200420124451/https://squareup.com/us/en/legal/general/ua>.

Exhibit G: A true and correct copy of a printout of “Cash Card Terms of Service” dated November 6, 2017, as available on Square Inc.’s website at <https://squareup.com/legal/cash-card-agreement>, archived on March 14, 2018 at Internet Archive: Wayback Machine, *accessible at* <https://web.archive.org/web/20180314174704/https://squareup.com/legal/cash-card-agreement>.

[Exhibit H intentionally omitted.]

Exhibit I: A true and correct copy of a printout of “Cash Sutton Bank Terms of Service – Cash App Prepaid Card Program Agreement” dated May 11, 2020, as available on Square Inc.’s website at <https://cash.app/legal/us/en-us/card-agreement>, archived on November 11, 2020 at Internet Archive: Wayback Machine, *accessible at* <https://web.archive.org/web/20201111164535/https://cash.app/legal/us/en-us/card-agreement>.

Exhibit J: A true and correct copy of a printout of “General Terms of Service” dated April 17, 2019, as available on Square Inc.’s website at <https://squareup.com/us/en/legal/general/ua>, archived on July 9, 2019 at Internet Archive: Wayback Machine, *accessible at* <https://web.archive.org/web/20190709193641/https://squareup.com/us/en/legal/general/ua>.

Dated: Los Angeles, California
May 21, 2021

/s/ Erin J. Cox
ERIN J. Cox